

Remarks/Arguments:

The Examiner requires that claims of either Group I (claims 1-26 and 39) or Group II (claims 27-38) be elected for prosecution. Applicants elect to prosecute Group I. This election is made with traverse.

Upon entry of the above amendment, claim 2 will have been canceled without prejudice or disclaimer, and claims 1, 4, 6, 7, 8, 10 and 39 will have been amended for consideration by the Examiner.

In view of the above, Applicants respectfully request reconsideration of the outstanding Restriction Requirement. Such action is respectfully requested and is now believed to be appropriate and proper.

In the Restriction Requirement, the claims were restricted to the two inventions defined as follows.

I Claims 1-26 and 39, drawn to structures/structural elements of an information terminal for processing voice synthesis, classified in class 704, subclass 258; and

II Claims 27-38, drawn to structures/structural elements of server and system for providing services for storing, reading, and extracting various synthesis data, classified in class 704, subclass 270.

As noted above, Applicants have amended the original claims 1, 4, 6, 7, 8, 10 and 39. The amended claims merely clarify the subject matter recited in the original claims, but do not narrow the scope of the claims.

Applicants respectfully traverse the above Restriction Requirement and submits that it is inappropriate with respect with the pending claims in the present application, as set forth hereinbelow.

The Examiner asserted that inventions I and II are related as combination and subcombination. Inventions is this relationship are distinct if it can be shown that (1) the

combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP '806.05(c)) In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the invention II drawn to server side or system level system structure, which can be used for providing services for other kinds of terminal device. The subcombination has separate utility such as exchanging data by using detachable memory device.

As set forth in M.P.E. P. § 803, the Examiner must, inter-alia, set forth the existence of a "serious burden" if the restriction requirement were not required. However, the Examiner has not even addressed the required issue of "serious burden." Moreover, no serious burden exists in examining at least the claims of Inventions I and II at least because the search for the inventions of these groups would be coextensive, or at least have significant overlap. For example, both apparatus of Inventions I and II are directed toward phonemic data which is the most suitable to each of character data in voice-synthesis-subject data, the phonemic data being constructed of sampled data of natural voice from real human, and voice-synthesizing voice-synthesis-subject data with the phonemic data. Thus, for at least this reason, the search for the claims of Inventions I and II would appear to be coextensive.

Because the search of each of the inventions would be co-extensive, there would be no serious burden on the Examiner to examine all of the claims in this application. For this reason, consistent with office policy as set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the election requirement. For the foregoing reasons, the election of species requirement in this application is believed improper and it is respectfully submitted that it be reconsidered and withdrawn.

Nevertheless, in order to be fully responsive, Applicants have elected with traverse the invention disclosed in Group I comprising claims 1-26 and 39, in the event that the Examiner chooses not to reconsider and withdraw the Restriction Requirement.

Should the Examiner have any questions or comments regarding the present paper or this application, the Examiner is respectfully invited to contact the undersigned at the below-listed number.

Respectfully submitted,

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LEA/bj

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: November 17, 2005

Beth Johnson

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